

**Private Admonition with Probation -- Board Case No. 11, 1994. Date of Sanction: June 29, 1995.** In this case, the Delaware Supreme Court approved private sanctions arising out of the lawyer's representation of an elderly client injured in a slip and fall case. The lawyer filed an action in the Superior Court, but allowed a judgment to be entered against the client by failing to put on a case at arbitration. Thereafter the lawyer neglected to file a demand for trial de novo. The lawyer chose not to respond to motions to dismiss the case filed by opposing counsel, believing that the demand had been filed. The Superior Court dismissed the case.

For well over two years thereafter, the lawyer failed to initiate discovery or contact opposing counsel in any way. Eventually, the lawyer discovered that the case had been dismissed and sought to re-open it. By that time, however, seven years had passed since the date of the accident and two and one-half years since the date of the dismissal. The Superior Court denied the motion to re-open the case.

The lawyer admitted violating **DLRPC 1.1** (lack of competence), **DLRPC 1.3** (lack of diligence), **DLRPC 3.2** (failure to expedite legal matter) and **DLRPC 8.1(b)** (two counts) (failure to respond to requests for information from disciplinary authority). After a hearing before the Board on Professional Responsibility, the Supreme Court approved a private admonition and a two-year period of probation. During the probation, the lawyer must file semiannual statements, signed by a partner, indicating that the partner has reviewed the lawyer's personal injury cases and found no such case is in jeopardy of dismissal because of lack of prosecution.

The lawyer had no previous disciplinary record.